

### REMARKS

Claims 33, 34, 38, 41, 42, 48, 49, 54-66, and 70-83 are pending in the present application. By virtue of this response, Claims 34 and 38 have been amended. Accordingly, Claims 33, 34, 38, 41, 42, 48, 49, 54-66, and 70-83 are currently under consideration. Amendments of certain claims are not to be construed as a dedication to the public of any of the subject matter of the claims as previously presented.

#### *Claim Rejections 35 U.S.C. § 103(a)*

##### Claims 33, 34, 38, 41, 42, 48, 49, 56-66, and 70-83

Claims 33, 34, 38, 41, 42, 48, 49, 56-66, and 70-83 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent No. 5,372,133 (hereinafter referred to as "Hogen Esch") in view of U.S. Patent No. 5,706,807 (hereinafter referred to as "Picha"). Applicants respectfully traverse the obviousness rejection.

It is well settled that the Examiner "bears the initial burden of presenting a *prima facie* case of unpatentability..." *In re Sullivan*, 498 F.3d 1345 (Fed. Cir. 2007). Until the Examiner has established a *prima facie* case of obviousness, the Applicant need not present arguments or evidence of non-obviousness. To establish a *prima facie* case of obviousness, the Examiner must establish at least three elements. First, the prior art reference (or references when combined) must teach or suggest all of the claim limitations: "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 U.S.P.Q. 494, 496 (CCPA 1970); *see also M.P.E.P. § 2143.03*. Second, there must be a reasonable expectation of success. *In re Merck & Co., Inc.*, 800 F.2d 1091 (Fed. Cir. 1986); *see also M.P.E.P. § 2143.02*. And finally, the Examiner must articulate some reason to modify or combine the cited references that renders the claim obvious. Merely establishing that the claimed elements can be found in the prior art is not sufficient to establish a *prima facie* case of obviousness:

As is clear from cases such as *Adams*, a patent composed of several elements is not proved obvious merely by demonstrating that each of its elements was, independently, known in the prior art. *KSR Int'l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1741 (2007) (emphasis added).

Instead, the Court has made clear that the Examiner must establish a reason one of skill in the art would have combined the elements of the prior art, and that such reason must be more than a conclusory statement that it would have been obvious.

Often, it will be necessary for a court to look to interrelated teachings of multiple patents; the effects of demands known to the design community or present in the marketplace; and the background knowledge possessed by a person having ordinary skill in the art, all in order to determine whether there was an apparent reason to combine the known elements in the fashion claimed by the patent at issue. To facilitate review, this analysis should be made explicit. See *In re Kahn*, 441 F.3d 977, 988 (C.A.Fed.2006) (“[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness”). *KSR Int’l Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 1740-1741 (2007).

The Examiner acknowledges in the last Office Action that the Hogen Esch device does not include an angiogenic layer. The Examiner argues, however, that Picha purportedly “teaches that it is known to encase an implanted sensor in a layer that is angiogenic or promotes vascularization”, and thus it purportedly “would have been obvious to modify [Hogen] Esch to use such a layer, to improve the measurement process”.

Applicants respectfully disagree. First, as noted by the Examiner, the Hogen Esch device is encapsulated with a cap 30 (see Figure 4). As such, modifying the Hogen Esch device by encasing the device in an angiogenic layer, as suggested by the Examiner, would seemingly result in the angiogenic layer being deposited onto the cap 30, rather than onto an electrode, as recited in pending Claims 34 and 38. As shown in Figure 4 and described in column 5, line 7, the Hogen Esch device is configured to have “some clearance” between the cap 30 and the electrodes 7, 9. Accordingly, Applicants submit that the modification proposed by the Examiner would not arrive at the device recited in Claims 34 and 38, which requires that the angiogenic layer physically contacts the sensing or electroactive surface.

Second, as described in the Amendment after Final filed on March 21, 2008, at page 9, Applicants’ claims recite a device that includes a convexly curved surface capable of promoting vascularization of the sensing surface:

Applicants note that a protruding region that is convexly curved or has a curvature offers advantages over the configurations of the prior art, namely, superior performance in the formation of vasculature in the sensor interface region. The

overall curvature of the surface on which the sensing region is located, including rounded edges, invokes a generally uniform foreign body capsule around that surface, decreasing inflammatory response and increasing analyte transport at the device-tissue interface. The curvature ensures that the sensing region is resting against the tissue and that when tissue contraction occurs, forces are generated downward on the sensing region so that the tissue attachment is maintained. The downward forces bring the tissue into contact with porous biointerface materials used for ingrowth-mediated attachment and for biointerface optimization. Accordingly, the curvature of the sensing region, not just its protrusion, is important to the process of vascularization.

In direct contrast, Hogen Esch, as noted above, teaches a sensing surface that, as illustrated in an enlarged scale in Figure 2, has various wells or cavities defined by sharp 90° angled edges. Picha also fails to teach a sensing surface having an overall curvature configured to promote vascularization. Accordingly, Applicants submit that neither Hogen Esch nor Picha discloses a curved sensing or electroactive surface that would substantially promote formation of vasculature adjacent to the curved sensing or electroactive surface, as recited in the pending claims. For at least this reason, Applicants respectfully submit that the obviousness rejection of Claims 34 and 38 is improper and thus should be withdrawn.

Claims 33, 41, 42, 48, 49, 56-66, and 70-83, which directly or indirectly depend from independent Claims 34 or 38, are patentable for at least the same reasons that Claims 34 and 38 are patentable, and are patentable for the unique combination that each dependent claim recites. See *In re Fine*, 837 F.2d 1071, 1075 (Fed. Cir. 1988) (holding that if an independent claim is nonobvious under 35 U.S.C. § 103(a), then any claim depending therefrom is also nonobvious).

Claims 54 and 55

Claims 54 and 55 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over Hogen Esch in view of Picha, and further in view of International Publication No. WO 92/13271 (hereinafter referred to as "Rhodes"). Claims 54 and 55, which directly depend from independent claims 34 and 38, respectively, are patentable for at least the same reasons that claims 54 and 55 are patentable, because Rhodes does not cure the deficiencies described above. Rhodes merely teaches a membrane assembly including an electrolytic layer. Accordingly, Applicants respectfully request withdrawal of the rejection.

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Applicants wish to draw the Examiner's attention to the following applications of the present application's assignee.

<b>Docket No.</b>	<b>Serial No.</b>	<b>Title</b>	<b>Filed</b>
DEXCOM.9CPDVC	07/122395	BIOLOGICAL FLUID MEASURING DEVICE	11/19/1987
DEXCOM.9CPDCP	07/216683	BIOLOGICAL FLUID MEASURING DEVICE	7/7/1988
DEXCOM.008A	08/811473	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	3/4/1997
DEXCOM.008DV1	09/447227	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	11/22/1999
DEXCOM.8DVC1	09/489588	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/21/2000
DEXCOM.8DVCP1	09/636369	SYSTEMS AND METHODS FOR REMOTE MONITORING AND MODULATION OF MEDICAL DEVICES	8/11/2000
DEXCOM.006A	09/916386	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	7/27/2001
DEXCOM.007A	09/916711	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICE	7/27/2001
DEXCOM.8DVCP2	09/916858	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	7/27/2001
DEXCOM.010A	10/153356	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	5/22/2002
DEXCOM.024A	10/632537	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
DEXCOM.026A	10/633329	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
DEXCOM.016A	10/633367	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
DEXCOM.025A	10/633404	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/1/2003
DEXCOM.011A	10/646333	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	8/22/2003
DEXCOM.012A	10/647065	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	8/22/2003
DEXCOM.027A	10/648849	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/22/2003
DEXCOM.8DVC1C1	10/657843	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	9/9/2003
DEXCOM.028A	10/695636	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	10/28/2003
DEXCOM.006C1	10/768889	MEMBRANE FOR USE WITH IMPLANTABLE DEVICES	1/29/2004
DEXCOM.037A	10/789359	INTEGRATED DELIVERY DEVICE FOR CONTINUOUS GLUCOSE SENSOR	2/26/2004
DEXCOM.045A	10/838658	IMPLANTABLE ANALYTE SENSOR	5/3/2004

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DEXCOM.044A	10/838909	IMPLANTABLE ANALYTE SENSOR	5/3/2004
DEXCOM.043A	10/838912	IMPLANTABLE ANALYTE SENSOR	5/3/2004
DEXCOM.012CP1	10/842716	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/10/2004
DEXCOM.8DV1CP	10/846150	ANALYTE MEASURING DEVICE	5/14/2004
DEXCOM.048A	10/885476	SYSTEMS AND METHODS FOR MANUFACTURE OF AN ANALYTE- MEASURING DEVICE INCLUDING A MEMBRANE SYSTEM	7/6/2004
DEXCOM.019A	10/896637	ROLLED ELECTRODE ARRAY AND ITS METHOD FOR MANUFACTURE	7/21/2004
DEXCOM.021A	10/896639	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	7/21/2004
DEXCOM.020A	10/896772	INCREASING BIAS FOR OXYGEN PRODUCTION IN AN ELECTRODE SYSTEM	7/21/2004
DEXCOM.023A	10/897312	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	7/21/2004
DEXCOM.022A	10/897377	ELECTROCHEMICAL SENSORS INCLUDING ELECTRODE SYSTEMS WITH INCREASED OXYGEN GENERATION	7/21/2004
DEXCOM.030A	10/991353	AFFINITY DOMAIN FOR ANALYTE SENSOR	11/16/2004
DEXCOM.032A	10/991966	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	11/17/2004
DEXCOM.038A	11/004561	CALIBRATION TECHNIQUES FOR A CONTINUOUS ANALYTE SENSOR	12/3/2004
DEXCOM.031A	11/007635	SYSTEMS AND METHODS FOR IMPROVING ELECTROCHEMICAL ANALYTE SENSORS	12/7/2004
DEXCOM.029A	11/007920	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	12/8/2004
DEXCOM.008DV1C	11/021046	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	12/22/2004
DEXCOM.007C1	11/021162	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	12/22/2004
DEXCOM.040A	11/034343	COMPOSITE MATERIAL FOR IMPLANTABLE DEVICE	1/11/2005
DEXCOM.039A	11/034344	IMPLANTABLE DEVICE WITH IMPROVED RADIO FREQUENCY CAPABILITIES	1/11/2005
DEXCOM.024C1	11/038340	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	1/18/2005
DEXCOM.8DVCP2C	11/039269	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	1/19/2005
DEXCOM.034A	11/055779	BIOINTERFACE MEMBRANE WITH MACRO- AND MICRO-ARCHITECTURE	2/9/2005
DEXCOM.051A8	11/077643	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A5	11/077693	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A4	11/077713	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A6	11/077714	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005

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DEXCOM.051A	11/077715	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A10	11/077739	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A11	11/077740	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.050A	11/077759	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	3/10/2005
DEXCOM.051A7	11/077763	METHOD AND SYSTEMS FOR INSERTING A TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A12	11/077765	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A1	11/077883	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A9	11/078072	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A2	11/078230	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.051A3	11/078232	TRANSCUTANEOUS ANALYTE SENSOR	3/10/2005
DEXCOM.061A1	11/157365	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
DEXCOM.061A	11/157746	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
DEXCOM.061A2	11/158227	TRANSCUTANEOUS ANALYTE SENSOR	6/21/2005
DEXCOM.016C1	11/201445	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/10/2005
DEXCOM.010DV2	11/280102	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
DEXCOM.010DV1	11/280672	TECHNIQUES TO IMPROVE POLYURETHANE MEMBRANES FOR IMPLANTABLE GLUCOSE SENSORS	11/16/2005
DEXCOM.063A	11/333837	LOW OXYGEN IN VIVO ANALYTE SENSOR	1/17/2006
DEXCOM.061CP1	11/334107	TRANSCUTANEOUS ANALYTE SENSOR	1/17/2006
DEXCOM.061CP2	11/334876	TRANSCUTANEOUS ANALYTE SENSOR	1/18/2006
DEXCOM.058A	11/335879	CELLULOSIC-BASED INTERFERENCE DOMAIN FOR AN ANALYTE SENSOR	1/18/2006
DEXCOM.077A	11/360250	ANALYTE SENSOR	2/22/2006
DEXCOM.061CP3	11/360252	ANALYTE SENSOR	2/22/2006
DEXCOM.051CP1	11/360262	ANALYTE SENSOR	2/22/2006
DEXCOM.051CP2	11/360299	ANALYTE SENSOR	2/22/2006
DEXCOM.061CP4	11/360819	ANALYTE SENSOR	2/22/2006
DEXCOM.053A	11/373628	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA FOR SENSOR CALIBRATION	3/9/2006
DEXCOM.075A	11/404417	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
DEXCOM.010CP1	11/404418	SILICONE BASED MEMBRANES FOR USE IN IMPLANTABLE GLUCOSE SENSORS	4/14/2006
DEXCOM.054A1	11/404421	ANALYTE SENSING BIOINTERFACE	4/14/2006

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DEXCOM.054A	11/404929	ANALYTE SENSING BIOINTERFACE	4/14/2006
DEXCOM.054A2	11/404946	ANALYTE SENSING BIOINTERFACE	4/14/2006
DEXCOM.021C1	11/410392	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
DEXCOM.021DV1	11/410555	OXYGEN ENHANCING MEMBRANE SYSTEMS FOR IMPLANTABLE DEVICES	4/25/2006
DEXCOM.051CP1C1	11/411656	ANALYTE SENSOR	4/26/2006
DEXCOM.060A	11/413238	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
DEXCOM.060A2	11/413242	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
DEXCOM.060A1	11/413356	CELLULOSIC-BASED RESISTANCE DOMAIN FOR AN ANALYTE SENSOR	4/28/2006
DEXCOM.051C1	11/415593	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
DEXCOM.011DV3	11/415631	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
DEXCOM.051C3	11/415999	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
DEXCOM.011DV1	11/416058	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
DEXCOM.011DV2	11/416346	OPTIMIZED SENSOR GEOMETRY FOR AN IMPLANTABLE GLUCOSE SENSOR	5/2/2006
DEXCOM.051C2	11/416375	TRANSCUTANEOUS ANALYTE SENSOR	5/2/2006
DEXCOM.012CP1C2	11/416734	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
DEXCOM.012CP1C1	11/416825	BIOINTERFACE MEMBRANES INCORPORATING BIOACTIVE AGENTS	5/3/2006
DEXCOM.051CP4	11/439559	ANALYTE SENSOR	5/23/2006
DEXCOM.051CP3	11/439630	ANALYTE SENSOR	5/23/2006
DEXCOM.051CP5	11/439800	ANALYTE SENSOR	5/23/2006
DEXCOM.61CP3CP1	11/445792	ANALYTE SENSOR	6/1/2006
DEXCOM.027CP1	11/498410	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	8/2/2006
DEXCOM.51CP3CP1	11/503367	ANALYTE SENSOR	8/10/2006
DEXCOM.27CP1CP2	11/515342	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
DEXCOM.27CP1CP1	11/515443	SYSTEMS AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	9/1/2006
DEXCOM.088A	11/543396	ANALYTE SENSOR	10/4/2006
DEXCOM.088A3	11/543404	ANALYTE SENSOR	10/4/2006
DEXCOM.088A2	11/543490	ANALYTE SENSOR	10/4/2006
DEXCOM.038CP2	11/543539	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006

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DEXCOM.038CP3	11/543683	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
DEXCOM.038CP1	11/543707	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
DEXCOM.038CP4	11/543734	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/4/2006
DEXCOM.8DCP2CC1	11/546157	DEVICE AND METHOD FOR DETERMINING ANALYTE LEVELS	10/10/2006
DEXCOM.012DV1	11/654135	POROUS MEMBRANES FOR USE WITH IMPLANTABLE DEVICES	1/17/2007
DEXCOM.058CP1	11/654140	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
DEXCOM.058CP2	11/654327	MEMBRANES FOR AN ANALYTE SENSOR	1/17/2007
DEXCOM.021CP1	11/675063	ANALYTE SENSOR	2/14/2007
DEXCOM.51CP1CP1	11/681145	ANALYTE SENSOR	3/1/2007
DEXCOM.61CP2CP1	11/690752	TRANSCUTANEOUS ANALYTE SENSOR	3/23/2007
DEXCOM.088CP3	11/691424	ANALYTE SENSOR	3/26/2007
DEXCOM.088CP1	11/691426	ANALYTE SENSOR	3/26/2007
DEXCOM.088CP2	11/691432	ANALYTE SENSOR	3/26/2007
DEXCOM.088CP4	11/691466	ANALYTE SENSOR	3/26/2007
DEXCOM.38CP1CP1	11/692154	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	3/27/2007
DEXCOM.61CP2CP4	11/734178	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
DEXCOM.61CP2CP2	11/734184	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
DEXCOM.61CP2CP3	11/734203	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2007
DEXCOM.093A	11/750907	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTIALLY UNAFFECTED BY NON-CONSTANT NOISE	5/18/2007
DEXCOM.27CP1CP3	11/762638	SYSTEMS AND METHODS FOR REPLACING SIGNAL DATA ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	6/13/2007
DEXCOM.028DV1	11/763215	SILICONE COMPOSITION FOR BIOCOMPATIBLE MEMBRANE	6/14/2007
DEXCOM.051C4	11/797520	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
DEXCOM.051C5	11/797521	TRANSCUTANEOUS ANALYTE SENSOR	5/3/2007
DEXCOM.061CP2C2	11/842139	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
DEXCOM.061C1	11/842142	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
DEXCOM.61CP2CPC	11/842143	TRANSCUTANEOUS ANALYTE SENSOR	8/20/2007
DEXCOM.061CP4C1	11/842146	ANALYTE SENSOR	8/20/2007
DEXCOM.061A1C1	11/842148	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
DEXCOM.61CP3CPC	11/842149	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
DEXCOM.077C1	11/842151	ANALYTE SENSOR	8/21/2007

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DEXCOM.061CP2C1	11/842154	TRANSCUTANEOUS ANALYTE SENSOR	8/21/2007
DEXCOM.093C1	11/842156	ANALYTE SENSORS HAVING A SIGNAL-TO-NOISE RATIO SUBSTANTILALLY UNAFFECTED BY NON-CONSTANT NOISE	8/21/2007
DEXCOM.51P3P1C1	11/842157	ANALYTE SENSOR	8/21/2007
DEXCOM.096A	11/855101	TRANSCUTANEOUS ANALYTE SENSOR	9/13/2007
DEXCOM.38CP1CP2	11/865572	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	10/1/2007
DEXCOM.025C1	11/865660	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	10/1/2007
DEXCOM.051A7C1	11/925603	TRANSCUTANEOUS ANALYTE SENSOR	10/26/2007
DEXCOM.8DV1CPD2	12/037812	ANALYTE MEASURING DEVICE	2/26/2008
DEXCOM.8DV1CPD1	12/037830	ANALYTE MEASURING DEVICE	2/26/2008
DEXCOM.107A	12/054953	ANALYTE SENSOR	3/25/2008
DEXCOM.88CP1CP2	12/055078	ANALYTE SENSOR	3/25/2008
DEXCOM.106A	12/055098	ANALYTE SENSOR	3/25/2008
DEXCOM.88CP1CP1	12/055114	ANALYTE SENSOR	3/25/2008
DEXCOM.88CP1CP3	12/055149	ANALYTE SENSOR	3/25/2008
DEXCOM.88CP1CP4	12/055203	ANALYTE SENSOR	3/25/2008
DEXCOM.88CP1CP5	12/055227	ANALYTE SENSOR	3/25/2008
DEXCOM.024CID2	12/098353	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
DEXCOM.024CID1	12/098359	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/4/2008
DEXCOM.024CID3	12/098627	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/7/2008
DEXCOM.051A6C3	12/101790	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
DEXCOM.051A9C1	12/101806	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
DEXCOM.051A6C2	12/101810	TRANSCUTANEOUS ANALYTE SENSOR	4/11/2008
DEXCOM.016DV1	12/102654	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
DEXCOM.016DV2	12/102729	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
DEXCOM.016DV3	12/102745	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/14/2008
DEXCOM.034DV1	12/103594	BIOINTERFACE WITH MACRO- AND MICRO-ARCHITECTURE	4/15/2008
DEXCOM.050C1	12/105227	TRANSCUTANEOUS MEDICAL DEVICE WITH VARIABLE STIFFNESS	4/17/2008
DEXCOM.038CP3C1	12/111062	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	4/28/2008
DEXCOM.063C2	12/113508	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008

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DEXCOM.063C1	12/113724	LOW OXYGEN IN VIVO ANALYTE SENSOR	5/1/2008
DEXCOM.094A2	12/133738	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
DEXCOM.094A3	12/133761	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
DEXCOM.094A4	12/133786	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
DEXCOM.037CP1	12/133820	INTEGRATED MEDICAMENT DELIVERY DEVICE FOR USE WITH CONTINUOUS ANALYTE SENSOR	6/5/2008
DEXCOM.061A2DV1	12/137396	TRANSCUTANEOUS ANALYTE SENSOR	6/11/2008
DEXCOM.023RE	12/139305	ELECTRODE SYSTEMS FOR ELECTROCHEMICAL SENSORS	6/13/2008
DEXCOM.051A8C1	12/175391	TRANSCUTANEOUS ANALYTE SENSOR	7/17/2008
DEXCOM.032DV2	12/182008	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
DEXCOM.032DV1	12/182073	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
DEXCOM.032DV3	12/182083	INTEGRATED RECEIVER FOR CONTINUOUS ANALYTE SENSOR	7/29/2008
DEXCOM.025C1C2	12/195191	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/20/2008
DEXCOM.025C1C1	12/195773	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	8/21/2008
DEXCOM.045DV1	12/247137	IMPLANTABLE ANALYTE SENSOR	10/7/2008
DEXCOM.051CP3DV	12/250918	ANALYTE SENSOR	10/14/2008
DEXCOM.029DV2	12/252952	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.029DV5	12/252967	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.029DV1	12/252996	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.029DV6	12/253064	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.029DV3	12/253120	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.029DV4	12/253125	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	10/16/2008
DEXCOM.098A	12/258235	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
DEXCOM.099A2	12/258318	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
DEXCOM.016CP1	12/258320	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
DEXCOM.099A1	12/258325	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008

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DEXCOM.27CP1CP4	12/258335	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
DEXCOM.099A	12/258345	SYSTEMS AND METHODS FOR PROCESSING SENSOR DATA	10/24/2008
DEXCOM.007C1DV1	12/260017	SENSOR HEAD FOR USE WITH IMPLANTABLE DEVICES	10/28/2008
DEXCOM.029C1	12/263993	SIGNAL PROCESSING FOR CONTINUOUS ANALYTE SENSOR	11/3/2008
DEXCOM.38CPCPDV	12/264160	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	11/3/2008
DEXCOM.043DV1	12/264835	IMPLANTABLE ANALYTE SENSOR	11/4/2008
DEXCOM.88CPP5P6	12/267494	INTEGRATED DEVICE FOR CONTINUOUS IN VIVO ANALYTE DETECTION AND SIMULTANEOUS CONTROL OF AN INFUSION DEVICE	11/7/2008
DEXCOM.038CP5	12/267518	ANALYTE SENSOR	11/7/2008
DEXCOM.88CP1P1P	12/267525	ANALYTE SENSOR	11/7/2008
DEXCOM.88P1P1P2	12/267531	ANALYTE SENSOR	11/7/2008
DEXCOM.016CP2	12/267542	ANALYTE SENSOR	11/7/2008
DEXCOM.88CPP5P4	12/267544	ANALYTE SENSOR	11/7/2008
DEXCOM.88CPP5P5	12/267545	ANALYTE SENSOR	11/7/2008
DEXCOM.88CPP5P3	12/267546	ANALYTE SENSOR	11/7/2008
DEXCOM.88CPP5P2	12/267547	ANALYTE SENSOR	11/7/2008
DEXCOM.88CPP5P1	12/267548	ANALYTE SENSOR	11/7/2008
DEXCOM.051A12C1	12/273359	TRANSCUTANEOUS ANALYTE SENSOR	11/18/2008
DEXCOM.051C6	12/329496	TRANSCUTANEOUS ANALYTE SENSOR	12/5/2008
DEXCOM.038CP2C1	12/335403	DUAL ELECTRODE SYSTEM FOR A CONTINUOUS ANALYTE SENSOR	12/15/2008
DEXCOM.027DV1	12/353787	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	1/14/2009
DEXCOM.027DV2	12/353799	SYSTEMS AND METHODS FOR REPLACING SIGNAL ARTIFACTS IN A GLUCOSE SENSOR DATA STREAM	1/14/2009
DEXCOM.061C2	12/353870	TRANSCUTANEOUS ANALYTE SENSOR	1/14/2009
DEXCOM.051C7	12/359207	TRANSCUTANEOUS ANALYTE SENSOR	1/23/2009
DEXCOM.100A	12/362194	CONTINUOUS CARDIAC MARKER SENSOR SYSTEM	1/29/2009
DEXCOM.061CP2C3	12/364786	TRANSCUTANEOUS ANALYTE SENSOR	2/3/2009
DEXCOM.101A	12/365683	CONTINUOUS MEDICAMENT SENSOR SYSTEM FOR IN VIVO USE	2/4/2009
DEXCOM.102A2	12/390205	SYSTEMS AND METHODS FOR CUSTOMIZING DELIVERY OF SENSOR DATA	2/20/2009

<b>Docket No.</b>	<b>Serial No.</b>	<b>Title</b>	<b>Filed</b>
DEXCOM.102A3	12/390290	SYSTEMS AND METHODS FOR BLOOD GLUCOSE MONITORING AND ALERT DELIVERY	2/20/2009
DEXCOM.102A	12/390304	SYSTEMS AND METHODS FOR PROCESSING, TRANSMITTING AND DISPLAYING SENSOR DATA	2/20/2009
DEXCOM.061DV1	12/391148	TRANSCUTANEOUS ANALYTE SENSOR	2/23/2009
DEXCOM.051C10	12/393887	TRANSCUTANEOUS ANALYTE SENSOR	2/26/2009
DEXCOM.025RX	95/001038	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008
DEXCOM.024RX	95/001039	SYSTEM AND METHODS FOR PROCESSING ANALYTE SENSOR DATA	4/17/2008

### ***Conclusion***

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejections of the claims and pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of the application, the Examiner is invited to telephone the undersigned at the number provided below.

Any remarks in support of patentability of one claim should not be imputed to any claim, even if similar terminology is used. Additionally, any remarks referring to only a portion of a claim should not be understood to base patentability on that portion; rather, patentability must rest on each claim taken as a whole. Applicants respectfully traverse each of the Examiner's rejections and each of the Examiner's assertion regarding what the prior art shows or teaches, even if not expressly discussed herein. Although amendments have been made, no acquiescence or estoppel is or should be implied thereby. Rather, the amendments are made only to expedite prosecution of the present application, and without prejudice to presentation or assertion, in the future, of claims on the subject matter affected thereby.

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicants are not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure,

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including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child, or related prosecution history shall not reasonably infer that Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

No fee is believed due with the filing of this document. However, in the event the U.S. Patent and Trademark Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this documents to Deposit Account No. 11-1410, of which the undersigned is an authorized signatory.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 3/9/09

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AMEND

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